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7 **UNITED STATES DISTRICT COURT**  
8 **WESTERN DISTRICT OF WASHINGTON**  
9 **AT TACOMA**

10 GERI HOELSCHER,  
Plaintiff,

11 v.

12 LUCAS BRANDON, a Washington  
State Patrol Trooper, in his individual  
13 and official capacity and JANE DOE  
BRANDON, and the marital  
14 community comprised thereof; JEFF  
KERSHAW, a Washington State Patrol  
15 Trooper, in his individual and official  
capacity and JANE DOE KERSHAW,  
16 and the marital community comprised  
thereof; RYAN SANTHUFF, a  
17 Washington State Patrol Trooper, in his  
individual and official capacity and  
18 JANE DOE SANTHUFF, and the  
marital community comprised thereof;  
19 ROBERT HOWSON, a Washington  
State Patrol Trooper, in his individual  
20 and official capacity and JANE DOE  
HOWSON, and the marital  
21 community comprised thereof;  
THOMAS MARTIN, a Washington  
22 State Patrol Trooper, in his individual  
and official capacity and JANE DOE  
23 MARTIN, and the marital community  
comprised thereof; WASHINGTON  
24 STATE PATROL and STATE OF  
WASHINGTON,  
25 Defendants.

NO. 13-CV-05344

ANSWER TO AMENDED  
COMPLAINT AND  
COUNTERCLAIM OF  
CO-DEFENDANT WASHINGTON  
STATE PATROL TROOPER  
ROBERT HOWSON

1 In answer to Plaintiff's Amended Complaint, Defendants State of Washington,  
2 Washington State Patrol, Lucas Brandon, in his individual and official capacity and Jane Doe  
3 Brandon, and the marital community comprised thereof, Jeff Kershaw, a Washington State  
4 Patrol Trooper, in his individual capacity and Jane Doe Kershaw, and the marital community  
5 comprised thereof, Ryan Santhuff, a Washington State Patrol Trooper, in his individual and  
6 official capacity and Jane Doe Santhuff, and the marital community comprised thereof, Robert  
7 Howson, a Washington State Patrol Trooper, in his individual and official capacity and Jane  
8 Doe Howson, and the marital community comprised thereof, Thomas Martin, a Washington  
9 State Patrol Sergeant, in his individual and official capacity, and Jane Doe Martin, and the  
10 marital community comprised thereof (hereinafter all defendants are collectively referred to as  
11 "WSP" unless otherwise specified), do hereby admit, deny and allege as follows:  
12

13  
14 **I. PARTIES, JURISDICTION AND VENUE**

15 1. WSP is without knowledge or information sufficient to form a belief as to the  
16 truth of the allegations contained in this paragraph and, therefore, denies the same.

17 2. WSP admits that Washington State Patrol is a state agency authorized to  
18 perform law enforcement functions. The remainder of paragraph 2 is denied.

19 3. WSP admits the allegations in this paragraph.

20 4. WSP admits at all relevant times Troopers Brandon, Kershaw, Santhuff,  
21 Howson, and Martin were employed by the Washington State Patrol.  
22

23 5. This paragraph contains no allegations and, therefore, requires no response.  
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1           6.       WSP denies that Plaintiff has stated a claim entitling her to any relief against  
2 any defendant. WSP admits this Court has jurisdiction over the claims advanced in this  
3 lawsuit. The remainder of this paragraph contains legal conclusions that require no response.  
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5           7.       WSP denies that Plaintiff has stated a claim entitling her to any relief against  
6 any defendant. Nevertheless, the United States District Court for the Western District of  
7 Washington in Tacoma, Washington is the appropriate venue for any trial held in this matter.

8           8.       WSP incorporates, by this reference, its response to paragraph 4 of the  
9 Complaint. WSP admits the Washington State Patrol hired Troopers Santhuff, Brandon,  
10 Howson, Martin, and Kershaw, provided training to these troopers, supervised them and can, if  
11 and when appropriate, take corrective action against each. The remainder of this paragraph  
12 contains legal conclusions that require no response.  
13

14           9.       WSP admits that at all relevant times Lucas Brandon, Jeff Kershaw,  
15 Ryan Santhuff, Robert Howson, and Thomas Martin acted within the course and scope of their  
16 employment as Troopers with the Washington State Patrol. It is unclear whether Plaintiff  
17 intends something else by this paragraph. For example, Plaintiff makes vague reference to  
18 unspecified “laws, statutes, regulations, policies, customs and usages of the State of  
19 Washington, Thurston County, and the United States of America.” To the extent Plaintiff  
20 intends some conclusion of law, no response is required. To the extent some other, unspecified  
21 meaning is intended by this paragraph, WSP is without knowledge or information sufficient to  
22 form a belief as to the truth of those allegations and, therefore, denies the same.  
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## II. FACTS

10. WSP admits on December 28, 2009, Plaintiff was driving on Capital Boulevard at an excessive speed, weaving in and out of traffic in the plain view of Trooper Brandon. Trooper Brandon signaled for Plaintiff to stop her vehicle by activating his emergency lights, and later his siren. Plaintiff refused to stop. Plaintiff disregarded the emergency lights and siren from Trooper Brandon's patrol car, which was immediately behind Plaintiff's vehicle, and continued to elude law enforcement for more than one mile. When Plaintiff finally pulled over, she left the engine of her vehicle running and her car in gear. WSP denies Plaintiff "parked" her vehicle. Trooper Brandon approached the vehicle. Plaintiff did not roll down her window or otherwise acknowledge the trooper's presence. Trooper Brandon knocked on the driver's side window of Plaintiff's vehicle. To the extent Plaintiff suggests or contends that she timely acknowledged or responded to the trooper's knock on her window, that allegation is denied. To the extent Plaintiff suggests or contends that she rolled down her window to respond or otherwise communicate with the trooper, that allegation is denied. WSP admits the trooper informed Plaintiff that she had been stopped for speeding and asked Plaintiff to produce her license and registration. To the extent Plaintiff contends that she produced her license and registration in response to any of the many requests made by the trooper, that allegation is denied. WSP denies that the trooper's actions were aggressive or startling. Plaintiff's actions and behavior throughout this traffic stop were strange, inappropriate, and illegal. To the extent Plaintiff suggests that her actions, behavior and comments were responsive, compliant, justified or appropriate during this traffic stop, those allegations are all denied. To the extent Plaintiff contends she complied with the lawful requests of the WSP

1 troopers at the scene, those allegations, too, are denied. With respect to Plaintiff's allegations  
2 regarding her own emotional state and opinions that she formulated in connection with this  
3 lawsuit, WSP is without knowledge or information sufficient to form a belief as to the truth of  
4 those allegations and, therefore, denies the same.

5  
6 11. WSP incorporates, by this reference, its answer to paragraph 10. WSP admits  
7 Plaintiff refused legitimate requests for her to produce her license and registration. Plaintiff  
8 was combative, acted aggressively, and was verbally abusive during this traffic stop. Plaintiff  
9 was noncompliant with legitimate directives given to her by uniformed law enforcement  
10 officers, and failed to exit her vehicle when instructed to do so. To the extent this paragraph  
11 suggests otherwise, it is denied. WSP admits that Plaintiff was informed of the reason for the  
12 traffic stop. WSP admits that a backup officer arrived during this traffic stop, but denies the  
13 remainder of the second sentence. WSP admits Trooper Brandon placed one hand on the roof  
14 of Plaintiff's vehicle. WSP admits Trooper Brandon stood between the Plaintiff and her open  
15 door. Plaintiff refused the lawful directives of law enforcement, attempted to force the driver's  
16 side door of her vehicle closed on the troopers who were present, and refused to exit her  
17 vehicle when requested to do so. As a result, Plaintiff was physically removed from her  
18 vehicle by law enforcement. Plaintiff continued to physically resist exiting her vehicle even  
19 when directed to do so by law enforcement. WSP admits Troopers Kershaw and Martin  
20 responded to the scene. Well after Plaintiff was secured in the patrol car, Trooper Howson also  
21 arrived at the scene. Plaintiff, by her words and actions, resisted attempts to remove her from  
22 her vehicle. To the extent Plaintiff intends something else by this paragraph, it is denied.  
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1           12.     WSP incorporates, by this reference, its answer to paragraphs 10 and 11 of the  
2 Amended Complaint. WSP admits a Taser was deployed three times in an attempt to get  
3 Plaintiff to comply with the lawful directives of law enforcement, but denies that all three  
4 Taser attempts connected with the Plaintiff. WSP denies Plaintiff's face was "slammed" or  
5 "ground" into the pavement. WSP admits Plaintiff's actions were odd, noncompliant and  
6 actively resistive, and presented a danger to herself and others. WSP had to physically put  
7 Plaintiff's car in park because the Plaintiff had left her car in gear. WSP also admits Plaintiff  
8 actively resisted every attempt to gain control over her bizarre actions and behaviors. WSP  
9 admits Plaintiff was held secure while the troopers tried to apply restraints. Plaintiff actively  
10 resisted attempts to place her in handcuffs. WSP denies that any trooper forced his entire body  
11 weight onto Plaintiff. WSP denies any defendant cracked the cartilage in Plaintiff's nose.  
12 WSP admits Plaintiff's hands and legs were restrained. Plaintiff experienced some scrapping  
13 on the right side of her face caused by her decision to physically resist the lawful commands of  
14 law enforcement. Once restrained, Plaintiff was carried to the side of the road, where the  
15 restraints on her legs were removed. WSP admits Plaintiff was led to and placed into a  
16 patrol car. WSP is without knowledge or information sufficient to form a belief as to the truth  
17 of the other physical injuries, mental or emotional state Plaintiff alleges in this paragraph and,  
18 therefore, denies the same. All other allegations in this paragraph are denied.  
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22           13.     WSP incorporates, by this reference, its answer to paragraph 12 of the  
23 Complaint. WSP is without knowledge or information sufficient to form a belief as to the truth  
24 of the other physical injuries, mental or emotional state Plaintiff alleges in this paragraph and,  
25 therefore, denies the same.  
26

1           14.     WSP admits that, due in part to Plaintiff's bizarre statements and actions,  
2 assistance from EMTs was requested. WSP admits it took pictures of Plaintiff. Plaintiff was  
3 informed of her legal violations. The restraints were removed from Plaintiff's wrists and she  
4 went to the hospital. WSP admits Plaintiff was informed of the charges against her. WSP is  
5 without knowledge or information sufficient to form a belief as to the truth of the allegations  
6 concerning what occurred after Plaintiff left the scene of the traffic stop, and, therefore, denies  
7 the same. All other allegations in this paragraph are denied.  
8

9           15.     WSP incorporates, by this reference, its response to paragraph 13. Plaintiff was  
10 properly stopped, detained and charged. To the extent Plaintiff alleges otherwise, it is denied.  
11 To the extent this paragraph attributes any bad acts and/or motives to any of the defendants,  
12 those allegations are denied. WSP is without knowledge or information sufficient to form a  
13 belief as to the truth of the remaining allegations in this paragraph, and, therefore, denies the  
14 same.  
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16           16.     WSP is without knowledge or information sufficient to form a belief as to the  
17 truth of the allegations contained in this paragraph and, therefore, denies the same.  
18

19       **A.     First Claim**

20           17.     WSP incorporates, by this reference, its responses to paragraphs 1-16 of the  
21 Amended Complaint.

22           18.     WSP denies the allegations in this paragraph.

23           19.     WSP denies the allegations in this paragraph.  
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1     **B.     Second Claim**

2             20.     WSP incorporates, by this reference, its responses to paragraphs 1-19 of the  
3 Amended Complaint.

4             21.     WSP incorporates, by this reference, its response to paragraph 4. WSP denies  
5 that any defendant “assaulted, battered and injured” Plaintiff.

6             22.     WSP denies the allegations in this paragraph.

7             23.     WSP denies that any defendant assaulted or battered Plaintiff, and denies that  
8 any defendant is liable for any of the injuries or damages claimed by Plaintiff. The remainder  
9 of this paragraph contains legal conclusions that require no response.  
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11  
12     **C.     Third Claim**

13             24.     WSP incorporates, by this reference, its responses to paragraphs 1-23 of the  
14 Amended Complaint.

15             25.     WSP denies the allegations in this paragraph.

16             26.     WSP denies they are liable for any injuries or damages claimed by Plaintiff.  
17

18     **D.     Fourth Claim**

19             27.     WSP incorporates, by this reference, its responses to paragraphs 1-26 of the  
20 Amended Complaint.

21             28.     WSP incorporates, by this reference, its response to paragraph 4. WSP denies  
22 the defendants conspired to inflict a wrong against or an injury upon Plaintiff.

23             29.     WSP denies the allegations in this paragraph.  
24  
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1           30.     WSP denies Plaintiff's conspiracy theory and denies defendants are liable for  
2 any of the injuries and damages she claims. The remainder of this paragraph contains legal  
3 conclusions that require no response.  
4

5     **E.     Fifth Claim**

6           31.     WSP incorporates, by this reference, its responses to paragraphs 1-30 of the  
7 Amended Complaint.

8           32.     Paragraph 32 of the Amended Complaint makes no sense. Still, WSP denies  
9 that it used excessive or unreasonable force. The remainder of this paragraph contains legal  
10 conclusions that require no response.  
11

12           33.     The force used by defendants in this traffic stop was reasonable and appropriate.  
13 Moreover, Trooper Howson never used or applied any force at any time during this traffic stop,  
14 nor, for that matter, was he even present when Plaintiff was arrested. Accordingly, her claims  
15 against Trooper Howson are baseless, nonsensical and malicious. WSP denies each and every  
16 remaining factual allegation in this paragraph.  
17

18           34.     WSP denies any defendant was negligent and denies that any defendant is liable  
19 for any injury or damage claimed by Plaintiff in this lawsuit.

20     **F.     Sixth Claim**

21           35.     WSP incorporates, by this reference, its responses to paragraphs 1-34 of the  
22 Amended Complaint.

23           36.     WSP incorporates, by this reference, its response to paragraph 4. The  
24 remainder of this paragraph is denied.  
25  
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1           37.     WSP denies that any defendant was negligent and denies that any defendant is  
2 liable for any injury or damage claimed by Plaintiff in this lawsuit.

3           38.     WSP denies that any defendant was negligent and denies that any defendant is  
4 liable for any of the injuries or damages claimed by Plaintiff. The remainder of this paragraph  
5 contains legal conclusions that require no response.  
6

7     **G.     Seventh Claim**

8           39.     WSP incorporates, by this reference, its responses to paragraphs 1-38 of the  
9 Amended Complaint.

10          40.     This paragraph contains legal conclusions that require no response. However,  
11 to the extent a response is required, the allegations are denied.  
12

13          41.     WSP denies each and every allegation in this paragraph.

14          42.     The statements in this paragraph are nonsensical. Moreover, it is difficult to  
15 imagine how any practice that the Washington State Patrol conducted “*subsequent* to the time  
16 of this incident” could have retroactively caused any of the injuries Plaintiff now claims she  
17 sustained at the time of the incident. WSP denies each and every allegation in this paragraph.  
18

19          43.     WSP denies each and every allegation in this paragraph.

20     **H.     Eighth Claim**

21          44.     WSP incorporates, by this reference, their responses to paragraphs 1-43 of the  
22 Amended Complaint.

23          45.     WSP denies that all four named defendants arrested Plaintiff. Moreover,  
24 Trooper Howson never arrested anyone during this traffic stop, nor, for that matter, was he  
25 even present when Plaintiff was arrested. Accordingly, her claims against Trooper Howson are  
26

baseless, nonsensical and malicious. WSP admits that probable cause existed to stop, detain, charge and arrest Plaintiff. The remainder of this paragraph contains legal conclusions that require no response.

46. WSP incorporates, by this reference, their response to paragraphs 45 of the Complaint. WSP denies that Plaintiff was falsely arrested and denies the remaining allegations in this paragraph.

#### **I. Ninth Claim**

47. WSP incorporates, by this reference, its responses to paragraphs 1-46 of the Amended Complaint.

48. WSP incorporates, by this reference, its response to paragraphs 45 and 46 of the Amended Complaint. Plaintiff was properly and lawfully stopped, detained and arrested. To the extent the allegations in this Complaint purport to suggest otherwise, those allegations are denied. WSP admits that Lucas Brandon, Jeff Kershaw, Ryan Santhuff, Robert Howson, and Thomas Martin acted within the course and scope of their employment as Troopers with the Washington State Patrol. The remainder of this paragraph contains legal conclusions that require no response.

49. WSP denies the allegations in this paragraph.

50. WSP denies there was a “false arrest” and denies it is liable for any of Plaintiff’s claimed injuries and damages. The remainder of this paragraph contains legal conclusions that require no response.

1     **J.     Tenth Claim**

2             51.     WSP incorporates, by this reference, its responses to paragraphs 1-50 of the  
3 Amended Complaint.

4             52.     This paragraph contains legal conclusions that require no response.

5             53.     This paragraph contains legal conclusions that require no response.

6             54.     Plaintiff was properly and lawfully, stopped, detained, and arrested. To the  
7 extent that anything in this paragraph purports to allege otherwise, it is denied. Moreover,  
8 Trooper Howson never arrested anyone during this traffic stop, nor, for that matter, was he  
9 even present when Plaintiff was arrested. Accordingly, her claims against Trooper Howson are  
10 baseless, nonsensical and malicious. To the extent Plaintiff alleges that any of the defendants  
11 used unreasonable or excessive force against her in any of the allegations in her Amended  
12 Complaint, those allegations are, similarly, denied. The legal conclusions in this paragraph  
13 require no response. All remaining allegations are denied.

14             55.     WSP incorporates, by this reference, its response to paragraph 54. Further,  
15 WSP denies that they breached any duties owed to Plaintiff and denies that they are liable for  
16 any of the injuries or damages claimed by Plaintiff.

17             56.     WSP incorporates, by this reference, its response to paragraph 54. WSP denies  
18 it is liable for any of the injuries or damages claimed by Plaintiff.

19             57.     WSP incorporates, by this reference, its response to paragraph 54. All  
20 remaining allegations in this paragraph are denied.  
21  
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**K. Eleventh Claim**

58. WSP incorporates, by this reference, their responses to paragraphs 1-57 of the Amended Complaint.

59. This paragraph contains legal conclusions that require no response.

60. This paragraph contains legal conclusions that require no response.

61. Plaintiff was properly and lawfully, stopped, detained, and arrested. To the extent that anything in this paragraph suggests otherwise, it is denied. Moreover, Trooper Howson never used or applied any force at any time during this traffic stop, nor, for that matter, was he even present when Plaintiff was arrested. Accordingly, her claims against Trooper Howson are baseless, nonsensical and malicious. To the extent Plaintiff alleges that any of the defendants used unreasonable or excessive force against her in any of the allegations in her Amended Complaint, those allegations are, similarly, denied. The legal conclusions in this paragraph require no response. All remaining allegations are denied.

62. WSP incorporates, by this reference, its response to paragraph 61. Further, WSP denies that they breached any duties owed to Plaintiff and denies that they are liable for any of the injuries or damages claimed by Plaintiff.

63. WSP denies the allegations in this paragraph.

64. WSP incorporates, by this reference, its response to paragraph 61. WSP denies they are liable for any of the injuries or damages claimed by Plaintiff.

**L. Twelfth Claim**

65. WSP incorporates, by this reference, its responses to paragraphs 1-64 of the Amended Complaint.

1           66.     This paragraph contains legal conclusions that require no response.

2           67.     This paragraph contains legal conclusions that require no response.

3           68.     Plaintiff was properly and lawfully, stopped, detained, and arrested. To the  
4 extent that anything in this paragraph suggests otherwise, it is denied. Moreover, Trooper  
5 Howson never used or applied any force at any time during this traffic stop, nor, for that  
6 matter, was he even present when Plaintiff was arrested. Accordingly, her claims against  
7 Trooper Howson are baseless, nonsensical and malicious. To the extent Plaintiff alleges that  
8 any of the defendants used unreasonable or excessive force against her in any of the allegations  
9 in her Amended Complaint, those allegations are, similarly, denied. The legal conclusions in  
10 this paragraph require no response. All remaining allegations are denied.  
11

12           69.     WSP denies the allegations in this paragraph.

13           70.     WSP incorporates its response to paragraph 68.

14           71.     WSP incorporates its response to paragraph 68.

15           72.     WSP incorporates its response to paragraph 68.

16           73.     WSP incorporates, by this reference, its response to paragraph 68. All  
17 remaining allegations in this paragraph are denied.  
18

19  
20 **M.     Jury Demand**

21           74.     This paragraph does not contain any factual allegations, and, thus, requires no  
22 response.

23           **All allegations not expressly admitted in response to paragraphs 1-74 of the amended**  
24 **complaint are denied.**  
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75. By Way of FURTHER ANSWER and FIRST AFFIRMATIVE DEFENSE, Plaintiff failed to state a cause of action upon which relief can be granted.

76. By Way of FURTHER ANSWER and SECOND AFFIRMATIVE DEFENSE, any damages and/or injuries sustained by Plaintiff were proximately caused by the actions, provocation and/or the fault of the Plaintiff.

78. By Way of FURTHER ANSWER and FOURTH AFFIRMATIVE DEFENSE, defendants' actions manifested a reasonable exercise of judgment and discretion by authorized public officials made in the exercise of the governmental authority entrusted to them by law and are neither tortious nor actionable.

ANSWER TO AMENDED COMPLAINT  
AND COUNTERCLAIM OF CO-  
DEFENDANT WASHINGTON STATE  
PATROL TROOPER ROBERT HOWSON

1           80. By Way of FURTHER ANSWER and SIXTH AFFIRMATIVE DEFENSE, the  
2 claims brought by Plaintiff under 42 U.S.C. § 1983 against defendants are barred by the doctrine  
3 of qualified immunity.

4           81. By Way of FURTHER ANSWER and SEVENTH AFFIRMATIVE DEFENSE,  
5 to the extent Plaintiffs claims are directed against defendants in their official capacity as officers  
6 with the Washington State Patrol, the State of Washington, its agencies and agents, those claims  
7 are barred by the Eleventh Amendment of the Constitution of the United States.

8           82. WSP reserves the right to amend this Answer by adding affirmative defenses,  
9 counterclaims, cross-claims, or by initiating third party actions as information is gained  
10 through investigation and discovery.

11  
12                   **COUNTERCLAIM OF CO-DEFENDANT ROBERT HOWSON**

13           Co-defendant Robert Howson in his official capacity as a Washington State Patrol  
14 Trooper, by and through his counsel of record, hereby alleges as follows:

15                   **JURISDICTION AND VENUE**

16           83. This counterclaim arises from the baseless, unfounded, false, and malicious  
17 claims advanced in Plaintiff's Amended Complaint. This counterclaim is brought pursuant to  
18 RCW 4.24.350. The Court has supplemental jurisdiction over this counterclaim pursuant to  
19 28 U.S.C. § 1367.  
20

21           84. Venue in the Western District at Tacoma is appropriate as this is the judicial  
22 district where the subject December 28, 2009 incident took place, and is the judicial district of  
23 the state court where Plaintiff filed her action. It also serves as the most convenient location  
24 for a significant number of the anticipated witnesses.  
25  
26



## FACTS

85. Trooper Howson incorporates, by this reference, WSP's responses to paragraphs 1-74 of Plaintiff's Amended Complaint.

86. Prior to filing her Amended Complaint, Plaintiff and her legal representative were provided with audio and video recordings of the December 28, 2009 traffic stop that is the subject of her present lawsuit. Those audio and video recordings confirm that Trooper Howson did not arrive at the scene until after Plaintiff had been stopped, removed from her vehicle and placed in the back of another trooper's patrol car. And even then, Trooper Howson, a drug recognition expert, interacted with Plaintiff only long enough to determine whether she exhibited signs of drug and/or alcohol use. Plaintiff's interaction with Trooper Howson on December 28, 2009 was brief, non-invasive, and not actionable.

87. Prior to filing her Amended Complaint, Plaintiff knew that Trooper Howson was not present and did not participate in any of the acts that give rise to the various claims of assault and battery, excessive force and unlawful arrest advanced in her Amended Complaint.

89. Plaintiff falsely accused Trooper Howson of participating in the subject December 28, 2009 traffic stop, removal from her vehicle and arrest. The knowingly false assertions made by Plaintiff against Trooper Howson in his official capacity as a Washington State Patrol Trooper include, but are not limited to, the allegations in paragraphs 11-13, 15, 18-19, 25-26, 28-29, 32-34, 36-37, 42, 45-46, 48-49, 54-56, 61-64, and 68-73 of her Amended Complaint. Adding to the maliciousness of her claims and actions, Plaintiff directed her false and unfounded claims not only against Trooper Howson in his official and individual capacity, but also against Trooper Howson's wife.

90. Each of the claims Plaintiff has advanced against Trooper Howson in her Amended Complaint are false, unfounded, malicious and made without any probable cause. Plaintiff has used the judicial process to unjustly harass Trooper Robert Howson and force him to waste his, and the limited resources of the State, responding to Plaintiff's meritless claims, and otherwise cause Robert Howson to sustain injuries and damages in an amount to be established at trial.

## CLAIMS

## I. MALICIOUS PROSECUTION

91. This is the second lawsuit and third complaint filed by Plaintiff in which she makes knowingly false accusations of assault, battery, and excessive force against Trooper Howson arising from the subject December 28, 2009 traffic stop. This is also the second complaint accusing him of civil rights violations for the alleged events that took place during the December 28, 2009 traffic stop before Trooper Howson had even arrived at the scene.

92. Despite possessing uncontroverted audio and video recordings of the traffic stop establishing that Trooper Howson did not arrive until after Plaintiff was secured in the back of another trooper's vehicle, Plaintiff continues to force Trooper Howson to defend against claims of assault, battery, excessive force, and civil rights violations which she knows to be false, unfounded, malicious, and without probable cause.

93. Trooper Howson has been forced to take time away from his law enforcement duties and responsibilities to respond to Plaintiff's multiple meritless claims and lawsuits, causing Trooper Howson to incur costs and damages in an amount to be established at trial.

1 **RELIEF**

2 WHEREFORE, WSP prays that Plaintiff take nothing by her complaint, that Plaintiff's  
3 Amended Complaint be dismissed with prejudice, and that WSP be allowed their costs and  
4 reasonable attorney fees herein.  
5

6 In addition, Washington State Patrol Trooper Robert Howson prays for judgment  
7 against Plaintiff Geri Hoelscher in an amount to be established at trial that includes:

- 8 a. A determination that Plaintiff is liable for the malicious prosecution and/or  
9 frivolous claims brought against Trooper Howson;  
10  
11 b. Economic and non-economic damages sustained by Trooper Howson;  
12  
13 c. Liquidated damages as provided by RCW 4.24.350;  
14  
15 d. Costs and attorney fees incurred, including those authorized by RCW 4.24.350  
16 and RCW 4.84.185;  
17  
18 e. For such other relief as the court deems just and proper.

19 DATED this 18th day of July, 2013.

20  
21 ROBERT W. FERGUSON  
22 Attorney General

23 /s/ STEVE PUZ  
24 STEVE PUZ, WSBA #17407  
25 Attorney for Defendant John Belanger  
26 Office of the Attorney General  
Tort Claims Division  
7141 Cleanwater Drive, S.W.  
P.O. Box 40126  
Olympia, WA 98504-0126  
360-586-6300

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 18th day of July, 2013, I caused to be electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

***Attorney for Plaintiff***

KANNIN LAW FIRM P.S.  
160043 Sylvester Road S.W.  
Burien, WA 98166  
[john@kanninlaw.com](mailto:john@kanninlaw.com)

ROBERT W. FERGUSON  
Attorney General

/s/ STEVE PUZ  
\_\_\_\_\_  
STEVE PUZ, WSBA No. 17407  
Assistant Attorney General  
Attorney for Defendants and State of Washington,  
Washington State Patrol